

# Redundancy Policy



**ST CLARE**

Catholic Multi Academy Trust

## Trust Central Team

Adopted by St Clare Trust Board; Jul 2023

Next review by St Clare Trust Board; Jul 2024

## ST CLARE CATHOLIC MULTI-ACADEMY TRUST

### REDUNDANCY POLICY

**This Redundancy Policy has been approved and adopted by St Clare Catholic Multi-Academy Trust for use in all its academies.**

#### DEFINITIONS

In this Redundancy Policy, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Academy' means any academy operated by St Clare Catholic Multi-Academy Trust and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- ii. 'Board' means the board of Directors of the Trust.
- iii. 'Local Academy Committee' means the body carrying out the employment functions of the Trust in relation to the Academy.
- iv. 'Trust' means St Clare Catholic Multi-Academy Trust, which is the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.

#### **1. About this policy**

- 1.1 We will always try to avoid the need for compulsory redundancies but sometimes these may be necessary. The needs of the Trust and/or the Academy may change, including how we arrange our ways of working to best meet the needs of our business, including the efficient delivery of education to our pupils, and requirements for employees may reduce.
- 1.2 The purpose of this policy is to ensure that, whenever reduction in employee numbers may become necessary:
  - (a) we communicate clearly with all affected employees and ensure that they are treated fairly;
  - (b) we try to find ways of avoiding compulsory redundancies;
  - (c) we consult with employees and with recognised trade unions and/or employee representatives; and
  - (d) any selection for compulsory redundancy is undertaken fairly, reasonably and without discrimination.
- 1.3 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

1.4 This policy will be reviewed from time to time to ensure that it reflects our legal obligations and our business needs.

1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **2. Personnel responsible for this policy**

The Trust Board has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for overseeing its implementation to the CEO. To ensure consistency in practice, the policy must be applied under advice from the Trust's HR service.

## **3. Avoiding compulsory redundancies**

3.1 Where we are proposing to make redundancies we will enter into consultation with all affected employees on an individual basis and, where appropriate, also with recognised trade unions and/or employee representatives.

3.2 In the first instance we will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies. Examples of such steps include:

- (a) Review of and, where appropriate, reduction of non-staffing costs.
- (b) Reviewing the use of agency staff, self-employed contractors and consultants.
- (c) Restricting recruitment in affected categories of employee and in those areas into which affected employees might be redeployed.
- (d) Reducing overtime in affected departments to that needed to meet contractual commitments or provide essential services.
- (e) Considering the introduction of short-time working, job-sharing or other flexible working arrangements, where these are practicable.
- (f) Natural turnover and staff resignations.
- (g) Deletion of appropriate vacancies or a recruitment freeze.
- (h) Identifying suitable alternative work at the Academy at which staff ordinarily work or at any other academy or other premises operated by the Trust that might be offered to potentially redundant employees.
- (i) Inviting applications for early retirement or voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be a matter of our discretion and we reserve the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the Trust and/or the Academy to do so.

3.3 Any measures adopted must not adversely affect our business and our ability to deliver education to our pupils.

## **4. Business Case**

4.1 A business case will be produced and this will detail the proposed organisational change.

4.2 The business case proposal will include the following:

- (a) Rationale for change
- (b) Current and proposed staffing structure (including job descriptions, person specifications and salary levels)
- (c) Identification of new and changed posts
- (d) Implementation plan
- (e) Timeline
- (f) Any salary protection/safeguarding arrangements, as appropriate
- (g) The appeals process, including specific grounds of appeal
- (h) Equalities Impact Assessment consideration or detail, as appropriate

4.3 The proposed new structure will be assessed for suitability and sustainability, particularly in terms of cost.

4.4 Formal approval will be gained on the proposals, in accordance with the Trust's Scheme of Delegation, prior to the implementation of the redundancy proposals.

## **5. Implementation**

### Consultation

5.1 In the event that it is necessary to make a reduction in the number of employees, formal consultation will be held with employees directly affected and the recognised trade unions.

5.2 The period of consultation will be as below:

- (a) less than 20 redundancies - 14 calendar days before any dismissals take effect
- (b) 20 to 99 redundancies - the consultation must start at least 30 calendar days before any dismissals take effect
- (c) 100 or more redundancies - the consultation must start at least 45 calendar days before any dismissals take effect

5.3 The Local Academy Committee will carefully consider any representations made to it and respond to them. If there is a rejection of any representations, the reasons will be given in writing.

5.4 The consultation will include the following:

5.4.1 The reasons for the redundancy

5.4.2 The number and descriptions of the employees to be dismissed as redundant

- (a) The total number of employees of any such description employed at the Academy
- (b) The proposed method of selecting the employees to be dismissed
- (c) The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect
- (d) The method of calculating any compensation to be paid to redundant employees
- (e) The number of agency workers working temporarily for and under the supervision and direction of the Trust
- (f) The parts of the Trust in which the agency workers are working and the type of work they are carrying out
- (g) The proposed timeline for the redundancy process

5.5 The selection criteria which will appear in (d) above and on which the employee and trade union/s will be consulted, will be determined by the Headteacher.

## **6. Making compulsory redundancies**

6.1 When it is not possible to avoid making compulsory redundancies, we will advise all affected employees and, where appropriate, recognised trade unions and/or employee representatives that compulsory redundancies cannot be avoided. We will consult recognised trade unions and/or employee representatives on the procedure that will then be followed and the criteria that will be applied.

6.2 Subject always to our Equal Opportunities Policy, and specifically the Trust's rights under Section 124A of the School Standards and Framework Act 1998<sup>1</sup>In carrying out any redundancy exercise,

---

<sup>1</sup>**Section 124A School Standards and Framework Act 1998**, and our Articles of Association, permit us, as an independent school with a religious character, to give preference in connection with the appointment, promotion or remuneration to teachers whose religious opinions are in accordance with the tenets of the Catholic religion; who attend religious worship in accordance with those tenets; or who give, or are willing to give, religious education in accordance with those tenets. Section 124A(3) School Standards and Framework Act 1998 sets out our legal right to have regard to any conduct which is incompatible with the Trust's and/or Academy's Catholic character in connection with the termination of employment of teaching staff.

unless permissible and appropriate in the circumstances, we will not discriminate directly or indirectly on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

- 6.3 The criteria used to select those employees who will potentially be made redundant will be objective, transparent and fair and based on the skills and attributes required to meet our existing and anticipated needs.
- 6.4 We will then consult individually with those employees who have been provisionally selected for redundancy.
- 6.5 Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contracts and written confirmation of the payments that they will receive.
- 6.6 We will continue to look for alternative employment for redundant employees until their termination dates. The manner in which redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. Alternative employment may be offered subject to a trial period where appropriate.